



Austin City Council MINUTES

For MAY 14, 1987 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

City Council

Frank C. Cooksey
Mayor

John Treviño, Jr.
Mayor Pro Tem

Council Members
Mark Rose
Smoot Carl-Mitchell
Sally Shipman
George Humphrey
Charles E. Urdy

Jorge Carrasco
City Manager

Walden Aldridge
City Clerk

Memorandum To:

Mayor Cooksey called to order the meeting of the Council, noting the absence of Councilmember Urdy, who entered the Council Chamber later in the day.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Councilmember Carl-Mitchell's second, approved minutes for regular meeting of May 7, 1987 and special meetings of May 4 & 5, 1987. (5-0 Vote, Councilmember Urdy absent, Councilmember Rose out of the room)

CITIZEN COMMUNICATIONS

Mr. Robert M. Laczko discussed economic conditions in Austin and the need for community pride.

Mr. Don F. Rettberg talked about grant awards to Infant-Parent Building Project by Meadows Foundation of Dallas, Texas.

FIRE AND POLICE RETIREMENT BOARD

A report on the Fire and Police Retirement Board amendment to Ethics Ordinance was presented and the following ordinance approved:

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance amending Ordinance No. 860717-X, Article V, Section 2-3-72 (c) to delete inclusion of the Employee's Retirement System Board of

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Trustees, the Firemen's Relief and Retirement Fund Board of Trustees, and the Police Retirement Board of Trustees in that section, and consider amending Ordinance No. 860717-X, Article V, Section 2-3-72 (d) to include these three boards. (6-0 Vote, Councilmember Urdy absent)

ITEMS POSTPONED

Postponed to May 21 is consideration of a budget amendment to appropriate an additional \$30,000.00 to the Parks and Recreation Department for the purpose of the Zilker Summer Musical.

Postponed to June 11, 1987 is consideration of an amendment to the right-of-way reservation ordinance. This will be sent to the Planning Commission for their review.

ZONING ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Shipman's second, passed through second/third readings of ordinances amending Chapter 13-2A of the Austin City Code (Zoning Ordinance) to cover the following changes: (6-0 Vote, Councilmember Urdy absent)

- (1) ROYCE L. BORHO 7518 Highway 290 From Interim "RR"
C14-85-288.136 West to "GO"
ORDINANCE

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (2) W. B. HOWELL The Intersection of From Interim "RR"
C14-85-288.140 Circle Drive and to "LR"
 Thomas Springs Road ORDINANCE

First reading on June 18, 1986, (7-0). Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

- (3) MARBELLA DEVELOPMENT 8319 Peaceful Hill From "DR" to
COMPANY Lane "LI", "W/LO" and
By Jean Bringol "SF-6"
C14-86-137 ORDINANCE

First reading on October 8, 1986, (6-0). Council-member Mark Rose absent. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed. Right-of-way on Peaceful Hill Lane has been conveyed by street deed.

(4) DAVID TAYLOR, DUBB 12210-12222 From Interim "RR"
SMITH Tanglewild Drive to "SF-6"
C14-85-149.49 ORDINANCE

(5) GUY & J. B. GOODWIN 7813 South First From "SF-3" to
By HAP Investments, Street and 620 "LR"
Inc. Dittmar Road ORDINANCE
C14-87-006

(6) METROPOLITAN A.M.E. 1101 East 10th From "SF-3" to
CHURCH Street "SF-3-H"
C14h-87-002 PASSED PREVIOUSLY

(7) CITY OF AUSTIN, 502 Longspur From "LO" & "GR"
OFFICE OF LAND to "MF-3"
DEVELOPMENT SERVICES ORDINANCE
C14-84-220

(8) C. H. SMITH · 10300 Block of From "SF-2"
By Reynolds Salas North I.H. 35 to "CS"
C14r-87-022 ORDINANCE

(9) JAMES W. AKIN, ET UX 8008 Burleson Road From "DR" to
By Dick Wynn "IP" & "W/LO"
C14-86-141 ORDINANCE

First reading on August 28, 1986, (6-0). Council-member Mark Rose out of room at roll call. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council has been executed.

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(10) WESTLAKE PROPERTIES
By Jean Strobe
C14r-85-088

1004 Walsh Tarlton
3200 Bee Cave Road

From Interim "RR"
to "CS-1" & "GR"
ORDINANCE

First reading on August 1, 1985, (6-0). Mayor Pro Tem John Trevino, Jr. absent. Conditions have been met as follows: Applicant desires approval of site plan in which conditions regarding curb cuts have been changed from those conditions in the original site plan approved by City Council on August 1, 1985.

ITEM PULLED

Pulled from the agenda was the following item:

Consider approval of the following Contracts:

- (1) TEXAS STERLING CONSTRUCTION, INC. - CAPITAL IMPROVEMENTS PROGRAM -
14350 Rochell Drive
Houston, Texas
Green Wastewater Treatment
Plant Transmission Main -
North, Phase I; Green
Wastewater Treatment Plant
Transmission Main - South;
Pilot Knob Transmission Main,
Phase IV, Water and Wastewater
Utility Department
Total \$5,474,833.00 C.I.P.
Nos. 85/22-18, 85/22-59,
82/22-17 & 85/22-08

CONSENT ORDINANCES

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed the following ordinances in one consent motion: (5-0 Vote, Councilmember Rose out of the room, Councilmember Urdy absent)

OPERATING BUDGET AMENDMENT

Amended the 1986-87 Annual Operating Budget by:

- a. Accepting a grant from the Junior League of Austin, Inc. to the Austin History Center in the amount of \$30,578.00

Jollyville Pump Station & Anderson Mill Reservoir

Approved amending Ordinance No. 840809-F to provide for funding for the completion of the Jollyville Pump Station and the Anderson Mill Reservoir.

Capital Improvements Program

Approved receiving and accepting work of paving Dittmar Road, Phase II, consisting of approximately 2½ blocks. C.I.P. No. 79/62-32.

CONSENT RESOLUTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, adopted the following resolutions in one consent motion: (6-0 Vote, Councilmember Urdy absent)

Easement

Authorized release of the following easement:

The 5' public utility easements on the side lot lines of Lot 22, Enfield F. 1603 Wethersfield Road. (Request submitted by Ms. Judy Provost)

Eminent Domain Proceedings

Authorized eminent domain proceedings to acquire the following easements for construction of improvements to the City of Austin's water and wastewater system in the West Bull Creek Area:

- a. A 20-foot wide strip of land containing 0.14 acres, including a 20-foot wide Temporary Working Space Easement containing 0.14 acres, out of a 20.466 acre tract in Travis County, Texas.
- b. A 20-foot wide strip of land containing 0.30 acres, including a 20-foot wide Temporary Working Space Easement containing 0.21 acres, out of a 108.7 acre tract in Travis County, Texas.
- c. A 20-foot wide strip of land containing 0.23 acres, including a 20-foot wide Temporary Working Space Easement containing 0.23 acres, out of a 6.293 acre tract in Travis County, Texas.
- d. A 15-foot wide strip of land and a 25-foot wide strip of land containing a total of 1.94 acres, including a 20-foot wide Temporary Working Space Easement containing 1.76 acres, and a 20-foot wide Working Space Easement, all out of a 252.06 acre tract out of the James Jett Survey No. 1 of Travis County, Texas.

Eminent Domain Proceedings

Authorized the filing of Eminent Domain Proceedings to acquire:

- a. A Temporary Working Easement as part of the Upper Little Walnut Creek Storm Sewer Drainage Project, seven and one-half (7-1/2) feet in width to cover the period of original installation adjacent to and parallel to and south of the south lines of the five (5.0) foot in width strip of land which contains 550 square feet of land out of and a part of Lot 16, Block 16, Quail Creek West Phase II, Section 6, found of record in Plat Book 54 and Page 55 of the Travis County, Texas, Plat Records, save and except any portion of the seven and one-half (7-1/2) foot wide strip that contains any portion of a permanent structure.
- b. A Permanent Easement in 16,472 square feet of land for a Water and Wastewater Easement and 16,500 square feet of temporary working space needed for the East Austin Water Transmission Main Project (Phase II) more particularly described as a portion of that certain tract of land conveyed to Rolm Corporation of Record in Volume 7498, Page 521, of the Travis County Deed Records out of and as a part of the J. C. Tannehill Survey No. 29, situated in Travis County, Texas.
- c. A. 15,331 square foot easement out of the James Burleson Survey No. 19, Abstract No. 4, situated in Travis County, Texas, more particularly described as a portion of the west tract of those certain tracts conveyed by deed to Webberville Industrial, Inc. of record in Volume 8572, Page 731 of the Travis County Deed Records and a 10,191 square foot easement out of the James Burleson No. 19 Survey situated in Travis County, Texas and more particularly described as being a portion of the east tract of those certain tracts of land conveyed by deed to Webberville Industrial, Inc. of record as above; together with a Temporary Working Easement located along the north line as shown in Exhibit C.
- d. A Permanent Water and Wastewater Easement as part of the East Austin Water Transmission Main Project (Phase III), and a Temporary Construction Easement, more particularly described as follows: A 1,280 square foot portion of land out of a portion of a certain tract of land conveyed to North Point Joint Venture of Record in Volume 9595, Page 178 of the Travis County, Texas Deed Records together with a twenty foot (20') Temporary Construction Easement, along the westerly line as shown in Exhibit D.
- e. A 12,205 square foot tract out of the J. C. Tannehill Survey No. 29 and the James Burleson Survey No. 19, Abstract 4 for a Permanent Water and Wastewater Easement and Temporary Work Easement in the East Austin Water Transmission Main, Phase II.
- f. A 5,653 square foot tract out of the J. C. Tannehill Survey No. 29 for Permanent Water and Wastewater Easements and Temporary Work Easements in the East Austin Water Transmission Main Phase II.

- g. In fee simple the following described tract of land for the U.S. 290 West/State Highway 71 Improvement Project: 0.453 acres of land and title to the structure thereon out of a part of a 1.01 acre tract of land in the Thomas Anderson League, Travis County, Texas.

Capital Improvements Program

Approved of a proposed supplemental amendment to the Professional Services Agreement between the City of Austin and Baker-Aicklen and Associates, Inc., to provide engineering services for design of water and wastewater utility clearance, in conjunction with the design of Industrial Streets, South, Phases I and II. C.I.P. Nos. 85/62-62, 87/22-39 and 87/23-33.

Approved the following Change Order:

- a. In the amount of \$56,507.00 to Austin Engineering Company, Inc. for Riverside Drive Improvements. (2.23% of the original contract amount of \$2,528,822.95 - Total changes to date 2.93%) C.I.P. No. 73/62-03.

Item Postponed

Postponed to May 21, 1987 is consideration of approval of preferred alternative airport site from the evaluation update performed by Turner, Collie and Braden, Inc., and authorization to proceed with environmental assessment and long-term development cost studies for the approved alternate airport site. C.I.P. No. 86/81-01.

Contracts Approved

Approved the following contracts:

- | | | |
|----|--|---|
| a. | AUSTIN ENGINEERING COMPANY, INC.
6304 Bee Cave Road
Austin, Texas | - CAPITAL IMPROVEMENTS PROGRAM -
West University Wastewater
Rehabilitation, Zone "A" Project,
Water and Wastewater Utility Dept.
Total \$495,620.00 C.I.P. No.
85/23-13 |
| b. | FUEL CONTROL CORPORATION
7000 Shady Oak Road
Eden Prairie, Minnesota | - 6,000 Water Heater Blankets,
Resource Management Department
Item Nos. 1-3 - \$39,420.00
87-0230-RD |
| c. | CENTRAL TEXAS EQUIPMENT COMPANY
127 East Riverside Drive
Austin, Texas | - Eight (8) Trailer-Mounted
Air Compressors, General
Services Department
Four (4) units will be purchased
immediately and the remaining
four (4) will be acquired under a
Twelve (12) Month Supply Agreement
Item 1 - \$71,776.00 87-0181-FC |

- d. PINKLEY SALES COMPANY
13020 North Broadway
Oklahoma City, Oklahoma
- Traffic Paint, General Services
Department
Twelve (12) Month Supply Agreement
Items 1-4 - \$58,684.00
87-0196-DC/ELI
- e. PENOCO, INC.
723 Upper North Broadway
Corpus Christi, Texas
- Fluosilicic Acid, Water and
Wastewater Utility Department
Twelve (12) Month Supply Agreement
Item 1 - \$46,357.00 87-0169-DC/ELI
- f. Bid award:
- Computer Hardware, Brackenridge
Hospital
Twelve (12) Month Supply Agreement
Total \$403,761.00 BH7-210
- (1) CAMBEX CORP.
360 Second Avenue
Waltham, Massachusetts
- \$48,900.00 - Computer Memory
- (2) TELEX COMPUTER PRODUCTS
7745 Chevy Chase #102
Austin, Texas
- \$302,536.00 - CRT Terminals &
Printers
- (3) MEMOREX CORP.
6300 La Calma #510
Austin, Texas
- \$52,325.00 - Terminal Control Units
- g. WHITE SWAN
P. O. Box 17127
Austin, Texas
- Paper and Plastic Goods,
Brackenridge Hospital
Twelve (12) Month Supply Agreement
Total \$52,669.26 BS7-155

License Agreements

Entered into the following license agreements:

- a. To allow the encroachment of a playscape, gazebo, and barbecue pit into the 7.5' Public Utility Easement and overlapping a 10' Electric Easement of record in Volume 5563, Page 2046, Travis County Real Property Records and located on Lot 24, Bee Cave Woods, Section 4, 3003 Loveland Cove. (Request submitted by Dr. Mark D. and Deborah Akin)
- b. To allow the encroachment of three Sanitary Sewer Lines into the right-of-way of the City-owned railroad located in the City of Leander. (Request submitted by Leander, Texas)
- c. To allow the construction of a public road across the right-of-way of the City-owned railroad at Glacier Drive in the City of Cedar Park. (Request submitted by the City of Cedar Park)

Public Hearing Set

Set a public hearing for June 4, 1987 at 5:30 p.m. on the following: Development processing ordinance (13-1) & Performance Overlay Ordinance.
Grove Trailer Park

Approved extending Management Agreement with James T. Long for the Grove Trailer Park.

BUDGET AMENDMENTS

Council had before them several ordinances to consider amending Ordinance No. 860911-L, adopting and approving the Operating Budget for Fiscal Year 1986-87. Council discussed and then came back later in the day to approve some and postpone others. Action is as follows:

Motions

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooksey's second, waived the requirement for three readings and finally passed the following ordinances amending Ordinance No. 860911-L, adopting and approving the Operating Budget for Fiscal Year 1986-87 by: (6-0 Vote, Councilmember Rose out of the room)

1. Moving the Office of Minority Business Affairs (OMBA) from the Economic Development and International Trade Department to the Department of Financial Services (Purchasing).
2. Transferring \$41,163.00 from the EDIT Department to the Department of Financial Services for the operation of OMBA.
3. Establishing within the EDIT Department the four divisions of: Administration, Business Financing, Business Services and International Trade; and approving the City Manager's proposed changes in the EDIT Department's programs and activities.

Items postponed:

Postponed are consideration of the following budget amendments until May 21, 1987:

1. Moving the protocol office from the Department of Communications to the EDIT Department; and
2. Transferring \$17,356.00 from the Department of Communications to EDIT Department for the operation of the protocol office.

VILLAGE OF GARFIELD

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the Colorado River Annexation Ordinance to exclude any territory included in the Village of Garfield. (6-0 Vote, Councilmember Rose out of the room)

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second waived the requirement for three readings and finally passed an ordinance disannexing a segment of the Colorado River and releasing ETJ to the Village of Garfield. (6-0 Vote, Councilmember Rose out of the room)

LAND DEVELOPMENT

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed an ordinance extending site plans only, for one year. (6-0 Vote, Councilmember Rose out of the room)

SPEED ZONES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, waived the requirement for three readings and finally passed an ordinance amending the Austin City Code to modify the following speed zones in order to validate the engineering investigations: (7-0 Vote)

SECTION 11-2-100(a) 35 mph

Delete: Oak Springs Drive from Webberville Road to Springdale Road

Add: Oak Springs Drive from Webberville Road /Ridgeway Drive to Springdale Rd.

35 mph

Rosewood Avenue from Angelina Street to Webberville Road/Ridgeway Drive.

(leave at 30 mph)

COST CONTAINMENT PLAN

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance amending the 1986-87 Annual Operating Budget by implementing the City Manager's Fund Cost Containment Plan by approving the City Manager's recommendation with the exception of the Hyde Park Fire Station; Barton Springs fees; and notices for budget hearings fees. (7-0 Vote) Discussion of neighborhood pools will be next week, May 21, 1987.

CIVIC CENTER PROJECT MANAGER

Council had before them for consideration a resolution for consideration of a Civic Center Project Manager.

Motion - FAILED

Councilmember Carl-Mitchell made a motion, seconded by Mayor Cooksey to approve Faulkner/3D International, Inc. as Civic Center Project Manager. Motion FAILED by a vote of 2-3-1, Mayor Pro Tem Trevino and Councilmembers Humphrey and Urdy voting No, Councilmember Rose abstaining.

Substitute Motion - FAILED

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Humphrey to approve Encore. Motion FAILED by a vote of 3-2-1 with Mayor Cooksey and Councilmember Carl-Mitchell voting No and Councilmember Rose abstaining, Councilmember Shipman abstaining and out of the room.

LATER IN THE DAY:

Later in the day Council took another vote.

Motion - FAILED

Mayor Pro Tem Trevino made a motion, seconded by Councilmember Humphrey to approve Encore as Civic Center Project Manager. Motion FAILED by a vote of 3-2-1 with Mayor Cooksey and Councilmember Carl-Mitchell voting No, Councilmember Rose abstained, Councilmember Shipman abstaining and out of the room.

Council unanimously agreed to bring this item back on the June 4, 1987 agenda.

EXECUTIVE SESSION

Mayor Cooksey announced Council would enter into executive session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph e

- a. City of Austin v. Houston Lighting and Power
- b. Overton et al v. City of Austin
- c. Consider development related litigation

2. Land Acquisition - Section 2, Paragraph f

- a. Aviation Issues
- b. Municipal Office Consolidation

RECESS

Council recessed from 3:30 to 6:00 p.m.

PUBLIC HEARING

Mayor Cooksey opened the public hearing set for 4:30 p.m. to consider dedication of a wastewater easement along with a temporary construction easement and a temporary access easement for the construction of wastewater approach main No. 1017, across Onion Creek District Park. No one appeared to be heard. After questioning as to the prudence and feasibility of using a portion of the park and being told there would be no disturbance and that there is no other feasible alternative, the following motion was made:

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Carl-Mitchell's second, closed the public hearing and approved. (7-0 Vote)

ADULT ARCADES PUBLIC HEARING

Mayor Cooksey opened the public hearing set for 5:00 p.m. on an ordinance regulating adult arcades. Several people spoke for or against the ordinance. Their speaker cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Trevino's motion, Councilmember Humphrey's second, closed the public hearing. (7-0 Vote)

Motion

The Council, on Councilmember Rose's motion, Councilmember Shipman's second, voted to pass the ordinance as amended. (7-0 Vote)

WATER ACTION PLAN

Council had before them a resolution to consider a Water Action Plan.

Motion

The Council, on Councilmember Rose's motion, Councilmember Carl-Mitchell's second, adopted a resolution approving a Water Action Plan. (7-0 Vote)

DAVENPORT RANCH

The Council, on Councilmember Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution authorizing out-of-district wastewater service from Davenport Ranch Municipal Utility District along with amendments to the Davenport Ranch Municipal Utility District Consent Agreement as the staff recommended and as amended by Council. (6-0 Vote, Councilmember Rose out of the room)

NORTHWEST AUSTIN MUD's 1 AND 2

The Council, on Councilmember Shipman's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed an ordinance granting consent to Northwest Austin MUD's 1 and 2. (6-0 Vote, Councilmember Rose abstained)

SOUTH AUSTIN OUTFALL OPTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, adopted a resolution setting a public hearing for June 4 at 5:00 p.m. to consider the South Austin Outfall Options.

TRANSPORTATION FUNCTIONS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, adopted a resolution regarding the organization of transportation functions. (6-0 Vote, Councilmember Urdy out of the room)

DISANNEXATION IN PFLUGERVILLE AREA

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Shipman's second, waived the requirement for three readings and finally passed two ordinances approving disannexation of the strip northeast of the City of Austin in the Pflugerville area. (6-0 Vote, Councilmember Urdy out of the room)

CITY MANAGER REPORTS

The Council was given a legislative update by the City Manager.

No report was given on worksession schedule.

EXECUTIVE SESSION

Mayor Cooksey announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

2. Land Acquisition - Section 2, Paragraph f

b. Municipal Office Consolidation

RECESS

Council recessed for executive session at 9:20 p.m. and resumed their recessed meeting at 9:55 p.m.

MUNICIPAL OFFICE CONSOLIDATION

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Rose's second, approved making a counter offer to Republic Plaza. (4-0 Vote, Mayor Pro Tem Trevino abstained, Councilmembers Humphrey and Shipman out of the room)

ADJOURNMENT

Council adjourned its meeting at 9:56 p.m.